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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th March, 1972:—

BILL No. 22 OF 1972.

A Bill to provide for the establishment of an Authority for the development of the marine products industry under the control of the Union and for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Marine Products Export Development Authority Act, 1972.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act.

Declaration as to expediency of control by the Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the marine products industry.

Definitions.

3. In this Act, unless the context otherwise requires,—

(*a*) "Authority" means the Marine Products Export Development Authority established under section 4;

(*b*) "Chairman" means the Chairman of the Authority;

(*c*) "conveyance" includes a carrier vessel or a vehicle;

(*d*) "dealer" means a dealer in any of the marine products;

(*e*) "Director" means the Director of Marine Products Export Development appointed under section 7;

(*f*) "export" and "import" mean respectively taking out of, or bringing into, India by land, sea or air;

(*g*) "fishing vessel" means a ship or boat fitted with mechanical means of propulsion which is exclusively engaged in sea-fishing for profit;

(*h*) "marine products" includes all varieties of fishery products known commercially as shrimp, prawn, lobster, crab, fish, shell-fish, other aquatic animals or plants or part thereof and any other products which the Authority may, by notification in the Gazette of India, declare to be marine products for the purposes of this Act;

(*i*) "member" means a member of the Authority;

(*j*) "owner", in relation to any fishing vessel or in relation to any processing plant or storage premises for marine products or in relation to any conveyance used for the transport of marine products, includes—

(*i*) any agent of the owner; and

(*ii*) a mortgagee, lessee or other person in actual possession of the fishing vessel, processing plant, storage premises or conveyance;

(*k*) "prescribed" means prescribed by rules made under this Act;

(*l*) "processing", in relation to marine products, includes the preservation of such products such as canning, freezing, drying, salting, smoking, peeling or filleting and any other method of processing which the Authority may, by notification in the Gazette of India, specify in this behalf.

CHAPTER II

MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY

Establishment and constitution of the Authority.

4. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the purposes of this Act, an Authority to be called the Marine Products Export Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) the Director of Marine Products Export Development, *ex officio*;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) five members to represent respectively the Ministries of the Central Government dealing with—

(*i*) agriculture,

(*ii*) finance,

(*iii*) foreign trade,

(*iv*) industry, and

(*v*) shipping and transport;

(e) such number of other members not exceeding twenty as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing—

(*i*) the Governments of the States or Union territories having a sea-coast;

(*ii*) the interests of owners of fishing vessels, processing plants or storage premises for marine products and conveyances used for the transport of marine products;

(*iii*) the interests of dealers;

(*iv*) the interests of persons employed in the marine products industry;

(*v*) the interests of persons employed in research institutions engaged in the researches connected with the said industry; and

(*vi*) such other persons or class of persons who, in the opinion of the Central Government, ought to be represented on the Authority.

(4) The number of persons to be appointed as members from each of the categories specified in clause (e) of sub-section (3), the term of office of the members other than the member referred to in clause (b) of that sub-section, and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.

(5) Any officer of the Central Government, not being a member of the Authority, when deputed by that Government in this behalf, shall have the right to attend meetings of the Authority and take part in the proceedings thereof but shall not be entitled to vote.

(6) The Authority shall elect from among its members a Vice-Chairman who shall exercise such of the powers and perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

Acts or proceedings of Authority or its Committees not to be invalidated.

5. No act or proceeding of the Authority or any Committee appointed by it under section 8, shall be invalidated merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the Authority or such Committee; or

(*b*) any defect in the appointment of a person acting as a member of the Authority or such Committee; or

(*c*) any irregularity in the procedure of the Authority or such Committee not affecting in merits of the case.

Salary and allowances of Chairman.

6. The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

Executive officers of the Authority and other staff.

7. (*1*) The Central Government shall appoint a Director of Marine Products Export Development to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(*2*) The Central Government shall appoint a Secretary to the Authority to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(*3*) The Director and the Secretary to the Authority shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may be fixed by the Central Government.

(*4*) Subject to such control and restrictions as may be prescribed, the Authority may appoint such other officers and employees as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as it may determine from time to time.

(*5*) The Chairman, the Director, the Secretary and other employees of the Authority shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

Committees of the Authority.

8. (*1*) The Authority may appoint such Committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(*2*) The Authority shall have the power to co-opt as members of any Committee appointed under sub-section (*1*) such other number of persons who are not members of the Authority, as it may think fit.

Functions of the Authority.

9. (*1*) It shall be the duty of the Authority to promote, by such measures as it thinks fit, the development under the control of the Central Government of the marine products industry with special reference to exports.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the measures referred to therein may provide for—

(*a*) developing and regulating off-shore and deep-sea fishing and undertaking measures for the conservation and management of off-shore and deep-sea fisheries; under the technical guidance of the Central Government;

(*b*) registering fishing vessels, processing plants or storage premises for marine products and conveyances used for the transport of marine products;

(*c*) fixing of standards and specifications for marine products for purposes of export;

(*d*) rendering of financial or other assistance to owners of fishing vessels engaged in off-shore and deep-sea fishing and owners of processing plants or storage premises for marine products and conveyances used for the transport of marine products, and acting as an agency for such relief and subsidy schemes as may be entrusted to the Authority;

(*e*) carrying out inspection of marine products in any fishing vessel, processing plant, storage premises, conveyance or other place where such products are kept or handled, for the purpose of ensuring the quality of such products;

(*f*) regulating the export of marine products;

(*g*) improving the marketing of marine products outside India;

(*h*) registering of exporters of marine products on payment of such fees as may be prescribed;

(*i*) collecting statistics from persons engaged in the catching of fish or other marine products, owners of processing plants or storage premises for marine products or conveyances used for the transport of marine products, exporters of such products and such other persons as may be prescribed on any matter relating to the marine products industry and the publishing of statistics so collected, or portions thereof or extracts therefrom;

(*j*) training in various aspects of the marine products industry; and

(*k*) such other matters as may be prescribed.

(3) The Authority shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government.

Dissolution of the Authority.

10. (*1*) The Central Government may, by notification in the Official Gazette and for reasons to be specified therein, direct that the Authority shall be dissolved from such date and for such period as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed dissolution and shall consider the representations, if any, of the Authority.

(2) When the Authority is dissolved under the provisions of sub-section (*1*),—

(*a*) all members notwithstanding that their term of office has not expired, shall, from the date of dissolution, vacate their offices as such members;

(*b*) all powers and duties of the Authority shall, during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf;

(*c*) all funds and other property vested in the Authority shall, during the period of dissolution, vest in the Central Government; and

(*d*) as soon as the period of dissolution expires, the Authority shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III
REGISTRATION

Registration of fishing vessel, processing plant, etc.

11. (*1*) Every owner of a fishing vessel, processing plant or storage premises for marine products or conveyance used for the transport of marine products shall, before the expiration of one month from the date on which he first became owner of such fishing vessel, processing plant, storage premises or conveyance, or before the expiration of three months from the date of coming into force of this section, whichever is later, apply to the Authority for registration under this Act of every such fishing vessel, processing plant, storage premises, or conveyance owned by him:

Provided that the Authority may, for sufficient reason, extend the time-limit for registration by such period as it thinks fit.

(*2*) Registration once made shall continue to be in force until it is cancelled by the Authority.

Application, cancellation, fee payable and other matters relating to registration.

12. The form of application for registration under section 11 and for the cancellation of such registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration and the registers to be kept by the Authority shall be such as may be prescribed.

Returns to be made by owners.

13. (*1*) Every owner referred to in sub-section (*1*) of section 11 shall furnish to the Authority at the prescribed time and in the prescribed manner such returns as may be prescribed.

(*2*) The Authority may authorise a member or any of its officers to inspect any fishing vessel, processing plant, storage premises or conveyance at any time to verify the accuracy of any return made under this section.

CHAPTER IV
FINANCE, ACCOUNTS AND AUDIT

Imposition of a cess on marine products exported.

14. (*1*) There shall be levied on all marine products which are exported, a cess for the purposes of this Act at such rate not exceeding three per cent. *ad valorem* as the Central Government may, by notification in the Official Gazette, fix.

(*2*) The cess levied under sub-section (*1*) shall be in addition to any cess or duty leviable on marine products under any other law for the time being in force.

(*3*) The provisions of the Customs Act, 1962, and the rules and regulations made thereunder, including those relating to refunds and 52 of 1962.

exemptions from duty, shall, as far as may be, apply in relation to the levy and collection of the cess leviable under sub-section (*1*) as they apply in relation to the levy and collection of a duty of customs under that Act or those rules and regulations.

Payment of proceeds of cess to the Authority.

15. The proceeds of the cess levied under section 14 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Authority, from time to time, from out of such proceeds, after deducting the expenses of collection, such sums of money as it may think fit for being utilised for the purposes of this Act.

Grants and loans by the Central Government.

16. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Authority by way of grants or loans such sums of money as the Central Government may consider necessary.

Constitution of the Fund.

17. (*1*) There shall be formed a Fund to be called the Marine Products Export Development Fund and there shall be credited thereto—

(*a*) the proceeds of the cess made over to the Authority by the Central Government;

(*b*) all fees levied and collected in respect of registration made under this Act;

(*c*) any other fee that may be levied and collected by the Authority under this Act or the rules made thereunder;

(*d*) any grants or loans that may be made by the Central Government for the purposes of this Act;

(*e*) any grants or loans that may be made by any institution for the purposes of this Act; and

(*f*) all sums realised by the Authority in carrying out the measures referred to in section 9.

(2) The Fund shall be applied—

(*a*) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Authority;

(*b*) for meeting the other administrative expenses of the Authority;

(*c*) for meeting the cost of the measures referred to in section 9; and

(*d*) for repayment of any loans from the Central Government or from any institution.

Borrowing powers of the Authority.

18. Subject to such rules as may be made in this behalf, the Authority shall have power to borrow on the security of the Marine Products Export Development Fund or any other asset for carrying out the purposes of this Act.

Accounts and audit.

19. (*1*) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER V

CONTROL BY CENTRAL GOVERNMENT

Power to prohibit or control imports and exports of marine products.

20. (1) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of marine products, either generally or in specified classes of cases.

(2) All marine products to which any order under sub-section (1) applies, shall be deemed to be goods of which the import or export has been prohibited under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly. 52 of 1962

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Directions by Central Government.

21. The Authority shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Returns and reports.

22. (1) The Authority shall furnish to the Central Government, at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the marine products industry, as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Authority shall, as soon as possible after the end of each financial year, submit to the Central Government a report in such form and before such date, as may be prescribed, giving a true and full account of its activities, policy and programmes during the previous financial year.

(3) A copy of the report received under sub-section (2) shall be laid before each House of Parliament.

CHAPTER VI

MISCELLANEOUS

Penalty for making false returns.

23. Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

Penalties for obstructing a member or officer of the Authority in the discharge of his duties and for failure to produce books and records.

24. Any person who—

(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Other penalties.

25. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 20, 23 and 24, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

Offences by companies.

26. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager,

secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Jurisdiction of court.

27. No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Previous sanction of Central Government.

28. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

Protection of action taken in good faith.

29. No suit, prosecution or other legal proceedings shall lie against the Government, or the Authority or any Committee appointed by it, or any member of the Authority or such Committee, or any officer or other employee of the Government or of the Authority or any other person authorised by the Government or the Authority, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to delegate.

30. The Central Government may, by order notified in the Official Gazette, direct that any power exercisable by it under this Act (not being the power to make rules under section 33) may also be exercised, in such cases and subject to such conditions, if any, as may be specified in the order, by such officer or authority as may be specified therein.

Suspension of operation of Act.

31. (*1*) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed or if it considers necessary or expedient so to do in the public interest, the Central Government may, by notification in the Official Gazette, suspend or relax to a specified extent, either indefinitely or for such period as may be specified in the notification, the operation of all or any of the provisions of this Act.

(*2*) Where the operation of any provision of this Act has under sub-section (*1*) been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government by notification in the Official Gazette.

Application of other laws not barred.

32. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Power of Central Government to make rules.

33. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the number of persons to be appointed as members from each of the categories specified in clause (*a*) of sub-section (3) of section 4, the term of office and other conditions of service of members, the manner of filling vacancies arising, and the procedure to be followed in the discharge of their functions by, such members;

(b) the circumstances in which and the authority by which a member may be removed;

(c) the holding of a minimum number of meetings of the Authority every year;

(d) the procedure to be followed at meetings of the Authority for the conduct of business and the number of members which shall form a quorum at a meeting;

(e) the maintenance by the Authority of records of business transacted by the Authority and the submission of copies thereof to the Central Government;

(f) the powers of the Authority, its Chairman, the Director and Committees of the Authority with respect to the incurring of expenditure;

(g) the conditions subject to which the Authority may incur expenditure outside India;

(h) the preparation of budget estimates of receipts and expenditure of the Authority and the authority by which the estimates are to be sanctioned;

(i) the form and manner in which the accounts should be kept by the Authority;

(j) the deposit of the funds of the Authority in banks and the investment of such funds;

(k) the conditions subject to which the Authority may borrow;

(l) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Authority;

(m) the additional matters in respect of which the Authority may undertake measures in the discharge of its functions;

(n) the remuneration and other allowances payable to the person or persons referred to in clause (b) of sub-section (2) of section 10;

(o) the form of, and the particulars to be contained in, any returns or reports to be made to the Authority under this Act;

(p) the form of, and the manner of making applications for registration and for its cancellation by the Authority, the fee payable on such applications and the procedure to be followed in granting and cancelling registration and the conditions governing such registration;

(q) the collection of any information or statistics in respect of marine products;

(r) any other matter which is to be or may be prescribed by, or provided for by rules under, this Act.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment

shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations.

34. (*1*) The Authority may make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

(*2*) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the procedure to be followed at meetings of the Committees appointed by the Authority and the number of members which shall form a quorum at a meeting;

(*b*) the delegation to the Chairman, members, Director, Secretary or other officers of the Authority of any of the powers and duties of the Authority under this Act;

(*c*) the travelling and other allowances of members of the Authority and of Committees thereof;

(*d*) the pay and allowances and leave and other conditions of service of officers (other than those appointed by the Central Government) and other employees of the Authority;

(*e*) the maintenance of its accounts;

(*f*) the maintenance of the registers and other records of the Authority and its various Committees;

(*g*) the appointment by the Authority of agents to discharge on its behalf any of its functions;

(*h*) the persons by whom, and the manner in which, payments, deposits and investments may be made on behalf of the Authority.

(*3*) No regulation made by the Authority shall have effect until it has been approved by the Central Government and published in the Official Gazette, and the Central Government, in confirming a regulation, may make any change therein which appears to it to be necessary.

(*4*) The Central Government may, by notification in the Official Gazette, cancel any regulation which it has confirmed and thereupon the regulation shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS

The marine products industry has been included in the Export Policy Resolution as one of the few industries having immense export potential if proper incentive and care be given to the industry. Though, in recent years, India has come up from a low position in the world shrimp market to occupy the second place in the list of exporting nations, yet it has touched only a fringe of the vast potentialities available for export in the country. Besides effecting an increase in the volume and value of exports of shrimps and lobsters, which at present constitute ninety per cent. of our exports, there is considerable scope for exporting other varieties of marine products like tuna, sardines, pomfret, Bombay duck, bream, crabs, eels, etc.

2. The marine products industry is at present not subject to any discipline or regulation. This has resulted in an uneven and unhealthy development of the fish processing sectors thus affecting adversely its economic operation and better realisation of the unit value of export products. Such an unregulated growth has also led to problems connected with inadequate facilities on shore relating to fresh water, power and timely internal transport and shipping arrangements.

3. The problems faced by the marine products industry in the country call for the establishment of a central agency for regulating, organising and developing that industry on economic lines. Such agency should also be vested with adequate authority and necessary organisation directly involved in the co-ordinated development of the industry in relation to raw material, supply, processing, storage, transport and export marketing. A detailed study recently undertaken by the Institute of Foreign Trade has indicated the necessity for the setting up of such a central agency. After careful consideration, Government of India has come to the conclusion that a statutory Authority to be known as the Marine Products Export Development Authority should be set up under the control of the Union. The Authority is proposed to be constituted, among others, with representatives of Governments of States having a coast, dealers of marine products and owners of fishing vessels and processing plants. It is proposed to vest the Authority with adequate powers to undertake suitable measures for the development of the marine products industry, such as promoting exports, undertaking marketing activities with a view to increasing the export potential of marine products, registering fishing vessels, processing plants, etc., giving financial and other assistance and carrying out allied objects. The Bill contains a declaration that it is expedient in the public interest that the Union should take under its control the marine products industry and seeks to take powers for the setting up of a statutory Authority for the marine products industry, mainly with a view to enable it to undertake the activities mentioned above. Power has also been taken for the Central Government to prohibit or control the imports and exports of marine products.

L. N. MISHRA.

NEW DELHI;
The 29th February, 1972.

PRESIDENTS RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 5/60/71-EP (Agri. II), dated the 7th March, 1972 from Shri Lalit Narayan Mishra, Minister of Foreign Trade to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Marine Products Export Development Authority Bill, 1972, recommends under articles 117(1) and 117(3) of the Constitution of India, the introduction of the Bill and consideration thereof in the Lok Sabha.

FINANCIAL MEMORANDUM

The Marine Products Export Development Authority Bill, 1972, provides for the control by the Union if the marine products industry and for that purpose to establish a Marine Products Export Development Authority [clause 4(1)] and levy a cess at a rate not exceeding three per cent *ad valorem* on all marine products exported.

2. Under clause 4(3), read with clause 6 of the Bill, the Authority will have a Chairman, who will have to be paid such salary and allowances as may be fixed by the Central Government. Under clause 7(1) and (2), a Director of Marine Products Export Development and a Secretary to the Authority have to be appointed for exercising such powers and performing such duties under the Chairman as may be prescribed. Under clause 7(3), the Director and Secretary will have to be paid such salary and allowances as may be fixed by the Central Government Under clause 7(4), the Authority may appoint such officers and employees as may be necessary for the efficient performance of its functions and pay them such salaries and allowances at it may determine from time to time. Provision has been made for the making of rules in regard to the payment of remuneration to any person or persons appointed to perform the functions of the Authority during the period of its dissolution [clause 10(2)(b)].

3. It is not possible at the present stage to indicate precisely what expenditure will be incurred on the proposed Marine Products Export Development Authority. However, it is estimated that a non-recurring expenditure of about Rs. 2 lakhs is likely to be incurred initially on the establishment of the said Authority. A recurring expenditure not exceeding Rs. 12 lakhs per annum is also likely to be incurred.

4. Clause 16 of the Bill provides for grants and loans to be paid to the Authority by the Central Government. The amount of such payments will depend on the actual proceeds of the cess on the marine products and the amounts required by the Authority to meet its expenses, taking into account the scope of its activities. It is therefore, not possible to determine the exact amount of expenditure that is likely to be incurred in this behalf. The amount of the grant to be given by the Government is, however, expected to be within the realisations from the cess. No such expenditure will, in any case, be incurred without due appropriation made by Parliament by law in this behalf.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 33 of the Bill gives power to the Central Government to make rules to carry out the purposes of the Bill. The maters in respect of which rules may be made relate, among others, to the term of office and other conditions of service of the members of the Authority, the procedure to be followed at meetings of the Authority, the preparation of budget estimates of receipts and expenditure of the Authority, the form and manner in which the accounts of the Authority are to be maintained and other matters of procedural or administrative nature.

2. Clause 34 of the Bill empowers the Authority to make regulations not inconsistent with the proposed legislation and the rules made thereunder for enabling the Authority to discharge its functions under the Bill. The various matters in relation to which the Authority may make regulations have been detailed in particular in subcause (2) of the clause These matters *inter alia* relate to the procedure to be followed for the transaction of business at meetings of the Committees appointed by the Authority, the travelling and other allowances payable to the members of the Authority and the members of its Committees, the conditions of service of the officers and employees of the Authority (other than the Director of Marine Products Export Development and the Secretary) and the deposit and investment of the funds of the Authority. These are matters of detail which it is difficult to provide for in the Bill itself. Under sub-clause (3) of clause 34, no regulation made by the Authority will have effect until it has been approved by the Central Government.

3. The delegation of legislative power, proposed to be conferred on the Central Government and the Authority under clauses 33 and 34 respectively of the Bill, is of a normal character.

BILL No. 24 OF 1972

A Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1972-73.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (Vote on Account) Act, 1972.

Withdrawal of Rs. 35,16, 13,35,000 from and out of the Consolidated Fund of India for the financial year 1972-73.

2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three thousand five hundred and sixteen crores, thirteen lakhs and thirty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1972-73.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 And 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Defence	20,20,000	..	20,20,000
2	Defence Services, Effective—Army	1,53,65,67,000	1,50,000	1,53,67, 17, 000
3	Defence Services, Effective—Navy	11,33,92,000	8,000	11,34,00,000
4	Defence Services, Effective—Air Force	45,31,97,000	20,000	45,32, 17, 000
5	Defence Services, Non-effective	9,01,67,000	..	9,01,67,000
6	Department of Education	40,67,000	..	40,67,000
7	Education	13,20,92,000	..	13,20,92,000
8	Department of Social Welfare	1,45,63,000	..	1,45,63,000
9	External Affairs	5,70,19,000	1,000	5,70,20,000
10	Other Revenue Expenditure of the Ministry of External Affairs	10,17,88,000	..	10, 17, 88,000
11	Ministry of Finance	3,29,74,000	..	3,29,74, 000
12	Customs	1,84,40,000	7,000	1,84,47,000
13	Union Excise Duties	3,68,46,000	12,000	3,68,58,000
14	Taxes on Income including Corporation Tax, etc.	3,75,94,000	34,000	3,76,28,000
15	Stamps	86,20,000	..	86,20,000
16	Audit	6,23,34,000	9,69,000	6,33,03,000
17	Currency and Coinage	2,79,60,000	..	2,79 60,000
18	Mint	91,20,000	..	91,20,000
19	Pensions and other Retirement Benefits	3,16,08,000	6,29,000	3,22,37 000
20	Opium Factories and Alkaloid Works	7,63,62,000	1,000	7,63,63,000
21	Other Revenue Expenditure of the Ministry of Finance	12,24,36,000	..	12,24,36,000
22	Grants-in-aid to State and Union Territory Governments	1,31,45,57,000	40,05,75,000	1,71,51,32,000
23	Miscellaneous Adjustments between the Central and State and Union Territory Governments	8,64,000	..	8,64,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
24	Pre-partition Payments	4,000	74,000	78,000
	CHARGED.—*Interest on Debt and other obligations*	..	1,21,67,26,000	1,21,67,26,000
	CHARGED.—*Payments of States' Share of Union Excise Duties*	..	44,78,64,000	44,78,64,000
25	Department of Agriculture	92,95,000	..	92,95,000
26	Agriculture	5,23,96,000	..	5,23,96,000
27	Payments to Indian Council of Agricultural Research	5,42,31,000	..	5,42,31,000
28	Forest	32,89,000	..	32,89,000
29	Department of Food	20,06,92,000	..	20,06,92,000
30	Department of Community Development	8,35,000	..	8,35,000
31	Department of Co-operation	53,64,000	..	53,64,000
32	Ministry of Foreign Trade	82,32,000	..	82,32,000
33	Foreign Trade	21,14,08,000	..	21,14,08,000
34	Export Oriented Industries	1,26,84,000	..	1,26,84,000
35	Ministry of Health and Family Planning	26,28,000	..	26,28,000
36	Medical and Public Health	5,20,55,000	..	5,20,55,000
37	Ministry of Home Affairs	27,95,000	..	27,95,000
38	Cabinet	14,12,000	..	14,12,000
39	Department of Personnel	76,92,000	..	76,92,000
40	Police	18,47,27,000	..	18,47,27,000
41	Census	67,56,000	..	67,56,000
42	Statistics	86,95,000	..	86,95,000
43	Territorial and Political Pensions	37,99,000	..	37,99,000
44	Other Revenue Expenditure of the Ministry of Home Affairs	2,38,71,000	..	2,38,71,000
45	Delhi	11,77,97,000	5,42,000	11,83,39,000
46	Chandigarh	1,41,20,000	5,74,000	1,46,94,000
47	Andaman and Nicobar Islands	2,02,06,000	1,000	2,02,07,000
48	Arunachal Pradesh	2,70,22,000	..	2,70,22,000
49	Dadra and Nagar Haveli Area	15,21,000	..	15,21,000
50	Laccadive, Minicoy and Amindivi Islands	41,34,000	..	41,34,000
51	Mizoram	1,08,30,000	..	1,08,30,000
52	Ministry of Industrial Development	35,60,000	..	35,60,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
53	Industries	77,75,000	..	77,75,000
54	Village and Small Industries	3,76,61,000	2,50,000	3,79,11,000
55	Ministry of Information and Broadcasting	5,74,000	..	5,74,000
56	Broadcasting	2,87,46,000	..	2,87,46,000
57	Information and Publicity	1,54,56,000	..	1,54,56,000
58	Ministry of Irrigation and Power	1,68,19,000	..	1,68,19,000
59	Irrigation and Flood Control Schemes	63,16,000	..	63,16,000
60	Electricity Schemes	61,17,000	..	61,17,000
61	Department of Labour and Employment	27,52,000	..	27,52,000
62	Labour and Employment	3,72,43,000	1,000	3,72,44,000
63	Department of Rehabilitation	6,43,48,000	7,000	6,43,55,000
64	Ministry of Law and Justice	1,09,55,000	..	1,09,55,000
65	Administration of Justice	47,000	6,69,000	7,16,000
66	Ministry of Petroleum and Chemicals	14,41,000	..	14,41,000
67	Ministry of Planning	85,000	..	85,000
68	Planning Commission	28,94,000	..	28,94,000
69	Ministry of Shipping and Transport	28,38,000	..	28,83,000
70	Roads	4,22,99,000	2,000	4,23,01,000
71	Shipping	1,51,67,000	1,000	1,51,68,000
72	Lighthouses and Lightships	22,42,000	..	22,42,000
73	Ports	88,83,000	..	88,83,000
74	Road and Inland Water Transport	8,16,000	..	8,16,000
75	Department of Steel	19,12,000	..	19,12,000
76	Department of Mines	2,98,52,000	6,000	2,98,58,000
77	Geological Survey	2,80,83,000	..	2,80,83,000
78	Ministry of Tourism and Civil Aviation	4,86,000	..	4,86,000
79	Meteorology	1,07,44,000	..	1,07,44,000
80	Aviation	2,59,54,000	..	2,59,54,000
81	Tourism	52,20,000	..	52,20,000
82	Ministry of Works and Housing	50,96,000	..	50,96,000
83	Public Works	7,14,48,000	6,41,000	7,20,89,000
84	Stationery and Printing	2,79,35,000	1,000	2,79,36,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
85	Department of Atomic Energy	5,30,000	..	5,30,000
86	Atomic Energy Research and Nuclear Power Schemes	9,15,13,000	..	9,15,13,000
87	Ministry of Communications	12,37,000	..	12,37,000
88	Overseas Communications Service	87,34,000	..	87,34,000
89	Posts and Telegraphs (Working Expenses)	48,72,12,000	2,000	48,72,14,000
90	Posts and Telegraphs—Dividend to General Revenues, Appropriations to Reserve Funds and Repayments of Loans from General Revenues	7,52,00,000	..	7,52,00,000
91	Department of Company Affairs	20,60,000	..	20,60,000
92	Department of Electronics	63,25,000	..	63,25,000
93	Department of Culture	75,05,000	..	75,05,000
94	Archaeology	40,70,000	..	40,70,000
95	Department of Parliamentary Affairs	2,06,000	..	2,06,000
96	Department of Science and Technology	59,05,000	..	59,05,000
97	Survey of India	1,48,49,000	..	1,48,49,000
98	Grants to Council of Scientific and Industrial Research	4,12,22,000	..	4,12,22,000
99	Department of Supply	30,82,000	..	30,82,000
100	Supplies and Disposals	84,75,000	..	84,75,000
101	Lok Sabha	47,37,000	17,000	47,54,000
102	Rajya Sabha	19,36,000	15,000	19,51,000
	CHARGED.—*Staff, Household and Allowances of the President*	..	8,28,000	8,28,000
103	Secretariat of the Vice-President	63,000	..	63,000
	CHARGED.—*Union Public Service Commission*	..	19,02,000	19,02,000
104	Defence Capital Outlay	31,78,33,000	3,33,000	31,81,66,000
105	Other Capital Outlay of the Ministry of Defence	1,04,17,000	..	1,04,17,000
106	Capital Outlay of the Ministry of Education and Social Welfare	17,46,000	..	17,46,000
107	Capital Outlay on the India Security Press	17,03,000	..	17,03,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
108	Capital Outlay on Currency and Coinage	4,01,08,000	..	4,01,08,000
109	Capital Outlay on Mints .	10,58,000	..	10,58,000
110	Commuted Value of Pensions	1,67,87,000	47,000	1,68,34,000
111	Other Capital Outlay of the Ministry of Finance .	50,12,000	..	50,12,000
112	Capital Outlay on Grants to State Governments for Development	5,14,81,000	..	5,14,81,000
113	Loans and Advances by the Central Government .	1,39,95,72,000	1,91,17,34,000	3,31,13,06,000
	CHARGED.—*Repayment of Debt.*	..	21,19,80,97,000	21,19,80,97,000
114	Purchase of Foodgrains and Fertilisers	26,44,03,000	34,000	26,44,37,000
115	Other Capital Outlay of the Ministry of Agriculture .	9,05,32,000	17,000	9,05,49,000
116	Capital Outlay of the Ministry of Foreign Trade *c* .	54,93,000	..	54,93,000
117	Capital Outlay of the Ministry of Health and Family Planning	4,28,19,000	..	4,28,19,000
118	Capital Outlay in Union Territories	4,54,52,000	34,60,000	4,89,12,000
119	Other Capital Outlay of the Ministry of Home Affairs .	42,08,000	..	42,08,000
120	Capital Outlay of the Ministry of Industrial Development .	3,42,46,000	..	3,42,46,000
121	Capital Outlay of the Ministry of Information and Broadcasting	2,08,03,000	..	2,08,03,000
122	Capital Outlay on Irrigation and Flood Control Schemes .	1,98,36,000	..	1,98,36,000
123	Other Capital Outlay of the Ministry of Irrigation and Power	5,45,20,000	..	5,45,20,000
124	Capital Outlay of the Ministry of Labour and Rehabilitation	1,33,18,000	..	1,33,18,000
125	Capital Outlay of the Ministry of Petroleum and Chemicals	13,82,52,000	..	13,82,52,000
126	Capital Outlay on Roads .	14,27,17,000	33,000	14,27,50,000
127	Capital Outlay on Ports . .	1,70,02,000	83,000	1,70,85,000
128	Other Capital Outlay of the Ministry of Shipping and Transport . . .	2,93,39,000	..	2,93,39,000
129	Other Capital Outlay of the Ministry of Steel and Mines	15,31,59,000	..	15,31,59,000
130	Capital Outlay on Aviation .	94,46,000	33,000	94,79,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
131	Other Capital Outlay of the Ministry of Tourism and Civil Aviation . . .	1,99,15,000	..	1,99,15,000
132	Capital Outlay on Public Works	2,09,04,000	1,67,000	2,10,71,000
133	Delhi Capital Outlay . .	1,20,40,000	2,84,000	1,23,24,000
134	Other Capital Outlay of the Ministry of Works and Housing	45,26,000	..	45,26,000
135	Capital Outlay of the Department of Atomic Energy .	11,79,60,000	..	11,79,60,000
136	Capital Outlay on Posts and Telegraphs (Not met from Revenue) . . .	24,21,17,000	..	24,21,17,000
137	Other Capital Outlay of the Ministry of Communications	60,13,000	..	60,13,000
	TOTAL . .	9,97,44,84,000	25,18,68,51,000	35,16,13,35,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 116 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Consolidated Fund and the grants made in advance by the Lok Sabha in respect of the estimated expenditure of the Central Government, excluding Railways, for a part of the financial year 1972-73.

Y. B. CHAVAN.

PRESIDENTS RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 3(13)-B/72, dated the 21st March, 1972 from Shri Y. B. Chavan, Minister of Finance to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1972-73, recommends under article 117(1) and (3) of the Constitution of India read with article 116(2) thereof, the introduction of the Appropriation (Vote on Account) Bill, 1972, in the Lok Sabha and also the consideration of the Bill.

2. The Bill will be introduced in the Lok Sabha immediately after the Demands for Grants, 'on account' for expenditure of the Central Government (excluding Railways) for the year 1972-73 have been voted.

S. L. SHAKDHER,

Secretary.

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